

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

Jane Doe,)
v.)
Plaintiff,)
Linda Howard) Civil Action No. 1:11cv1105 (LO/TRJ)
et al.,)
Defendants.)

)

MEMORANDUM OPINION AND ORDER

This matter is before the court on defendant Linda Howard's request to deny entry of default against defendant Russell Howard (no. 37) and plaintiff's motion (no. 42) to strike.

Defendant Russell Howard (“Mr. Howard”) was served with process in this matter on October 13, 2011 (no. 16), and has not answered or otherwise responded to the complaint. The Clerk entered (no. 36) default against him on February 10, 2012.

Defendant Linda Howard (“Mrs. Howard”), who is Mr. Howard’s wife, has asserted that service of process on Mr. Howard was insufficient and requests that the court “deny” entry of default against him. Mrs. Howard’s request is substantially a motion to set aside entry of default pursuant to Fed. R. Civ. P. 55(c). Mrs. Howard is not an attorney licensed to practice in this court, and plaintiff has moved to strike her request on that ground.

As the Fourth Circuit has plainly put it, “An individual unquestionably has the right to litigate his *own* claims in federal court, before both the district and appellate courts. . . . The right to litigate for *oneself*, however, does not create a coordinate right to litigate for *others*.” *Myers v.*

Loudoun Cnty. Pub. Sch., 418 F.3d 395, 400 (4th Cir. 2005) (citations omitted). Accordingly, Mrs. Howard is free to litigate on her own behalf, as she has done, but she may not litigate on behalf of her husband.

It is therefore ORDERED that plaintiff's motion to strike is GRANTED, and Mrs. Howard's request is STRICKEN.

ENTERED this 27th day of February, 2012.

/s/

Thomas Rawles Jones, Jr.
United States Magistrate Judge

Alexandria, Virginia